

§ 170.214 How does award of an emergency/disaster project affect projects on the FPL?

(a) A tribe may submit an emergency/disaster project any time during the fiscal year. BIA considers these projects a priority and funds them as follows:

(1) If a tribe submits a project before the issuance of the FPL and it is determined as eligible for IRRHPP funds, BIA will provide funding before providing funding for the other approved projects on the FPL; or

(2) If a tribe submits a project after the issuance of the FPL and the distribution of the IRRHPP funds, BIA will provide funding when funds provided to the FPL projects is returned to BIA due to their inability to be obligated. (See § 170.212(c).)

(b) If BIA uses funding previously designated for a project on the FPL to fund an emergency/disaster project, the FPL project that lost its funding will move to the top of the FPL for the following year.

POPULATION ADJUSTMENT FACTOR

§ 170.220 What is the Population Adjustment Factor?

The Population Adjustment Factor (PAF) is a special portion of the total IRR Program distribution calculated annually that provides for broader participation in the IRR Program by tribes (or a governmental subdivision of a tribe authorized to administer the tribe's IRR Program funding). The PAF is based upon the population ranges and distribution factors in appendix B to subpart C. The population data used is the American Indian and Alaska Native Service Population developed by the Department of Housing and Urban Development, under the Native American Housing Assistance and Self-Determination Act (NAHASDA), (25 U.S.C. 4101 *et seq.*). Appendix B to subpart C explains how the PAF is derived. The funds generated by the PAF can be used for transportation planning or IRR projects.

§ 170.221 What funding is available for distribution using the PAF?

When the annual authorization for the IRR Program is greater than \$275

million, 12.5 percent of the amount above \$275 million after the appropriate statutory and regulatory set-asides, as well as other takedowns, is available for distribution using the PAF.

RELATIVE NEED DISTRIBUTION FACTOR

§ 170.223 What is the Relative Need Distribution Factor (RNDF)?

The Relative Need Distribution Factor (RNDF) is a mathematical formula used for distributing the IRR Program construction funds. The RNDF is derived from a combination of the cost to construct, vehicle miles traveled, and population. Appendix C to subpart C explains how the RNDF is derived and applied.

IRR INVENTORY AND LONG-RANGE TRANSPORTATION PLANNING (LRTP)

§ 170.225 How does the LRTP process relate to the IRR Inventory?

The LRTP process (see subpart D) is a uniform process that identifies the transportation needs and priorities of the tribes. The IRR Inventory is derived from transportation facilities identified through LRTP. It is also a means for identifying projects for the IRRHPP Program.

§ 170.226 How will this part affect the IRR Inventory?

The IRR Inventory defined in this part will expand the IRR Inventory for funding purposes to include:

- (a) All roads, highway bridges, and other eligible transportation facilities that were previously approved in the BIA Road System in 1992 and each following year;
- (b) All Indian reservation roads constructed using Highway Trust funds since 1983;
- (c) All designated IRR routes (25 CFR 170.442–170.444);
- (d) Non-road transportation related facilities; and
- (e) Other applicable IRR transportation facilities.

§ 170.227 How does BIA develop and use the IRR Inventory?

The IRR Inventory as defined in § 170.442 identifies the transportation need by providing the data that BIA uses to generate the Cost to Construct